

PROGRAM MEMO

Date: September 16, 2004

Program Memo: Title 390, Initial and Emergency Placement Approval # 2-2004

From: Todd Reckling, Protection and Safety Administrator

Signed by _____ Director
Department of Health and Human Service

To: Protection and Safety Staff

Re: Emergency Approval for Placement of Children Who Are Wards

Effective Date: September 20, 2004

The purpose of this program memo is to clarify the process for approval of a foster home for a child in an emergency situation. Situations would include immediate placements that are necessary to ensure the safety of the child. Emergency approval can **only** be given when the foster parent is related or is previously known to the child.

The paramount concern in making a decision to use an approved emergency home must be whether safety can be reasonably assured in the home. Additional considerations include:

1. How best to maintain the child's relationships;
2. Statutory requirement to *consider* placement with relatives;
3. A desire to reduce trauma for the child; and
4. The avoidance of multiple placements.

REQUIREMENTS PRIOR TO PLACEMENT

A child may be placed in an unlicensed home **only** after initial emergency approval is completed. If the placement is made by law enforcement the visit by the worker must be made no later than the following working day.

In order to get approval for an emergency placement the worker must:

1. Visit the home of the potential caregiver: The home-visit must include a face to face meeting with at least one of the prospective adult caregivers;
2. Assure that there is adequate housing;
3. Assure that the adult caregiver is able to adequately meet the needs of the child;
4. Complete background checks on all household members 13 and older: For household members age 13 and older the background check must include a check of the:
 - a. CPS Central Register; and
 - b. Adult Protective Services Central Registry.

For household members age 18 and older the background check must include a:

- a. CPS Central Register check;
 - b. Adult Protective Services Central Registry check;
 - c. Sex Offender Registry check;
 - d. Local law enforcement agency check; and an
 - e. Emergency, name-only check with the NE State Patrol; and
5. Document the visit in the narrative in the child's file on N-FOCUS.

FELONY CONVICTION, SEX OFFENDER REGISTRY, OR CPS/APS FINDING

Approval for emergency placement and placement will not be made if the background checks result in any of the following:

1. A finding that a household member is on the CPS Central Register or APS Central Registry as:
 - a. a perpetrator; or
 - b. under investigation as an alleged perpetrator; or
2. Has a felony conviction for any crime; or
3. Appears on the Sex Offender Registry.

The **only** exception is that if the emergency placement is denied due to background checks and the staff still recommend that the placement would be in the child's best interest, a non-emergency approval for placement can be pursued. See Administrative Memorandum dated September 16, 2004, Approval of Unlicensed Foster Homes--Non-emergency Placements.

OTHER CRIMINAL HISTORY

Verbal approval for initial emergency approval and placement may be made by the Service Area Protection and Safety Administrator if a household member's background check reveals any of the following:

1. A criminal conviction other than a felony; or
2. Reason to believe that the individual is currently charged; or
 - a. Under indictment; or
 - b. Has any other criminal record.

After verbal approval is given, the worker must obtain written approval from the Service Area Protection and Safety Administrator in writing within two working days of placement.

ADULTS RESIDING IN THE HOME WHO ARE NOT RELATED OR MARRIED TO EACH OTHER:

If the living situation in the household in which the worker wants to place the child(ren) includes adults who are not married to each other and are not related to each other by blood or adoption, initial emergency approval may be given and initial emergency placement made with verbal approval only by the Service Area Protection and Safety Administrator. After verbal approval is given, the worker must obtain written approval for the placement from the Service Area Protection and Safety Administrator within two working days of placement.

ACTIONS REQUIRED WITHIN TWO WEEKS OF PLACEMENT

Within two weeks of placement of a child the following must be done:

1. Completion of the approval home-study including:
 - a. meeting all of the adults living in the home; and
 - b. reference checks.
2. Submission of fingerprints for the State and National Criminal History Checks.

No emergency approval will extend beyond sixty days from the date of placement.

REQUIREMENT FOR ONGOING APPROVAL

The 'Request for Approved Status' form must be submitted to the Service Area Protection and Safety Administrator or his/her designee within five working days of the receipt of the National Criminal History Check if:

1. There is a criminal history of any of the household members; or
2. If the persons not married or related to each other reside in the home.

See Administrative Memo for Approval of Unlicensed Foster Homes—Non-emergency Placements (9-16-04)